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16 UNITED STATES BANKRUPTCY COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

18 In re

19 THE ROMAN CATHOLIC ARCHBISHOP
OF SAN FRANCISCO,

20 Debtor and
Debtor in Possession.
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Case No. 23-30564

Chapter 11

***EX PARTE* APPLICATION FOR AN
ORDER EXTENDING THE TIME FOR
DEBTOR TO FILE INITIAL MONTHLY
OPERATING REPORT**

Judge: Hon. Dennis Montali

No Hearing Required

1 The Roman Catholic Archbishop of San Francisco, the debtor and debtor in possession
2 (the “Debtor”) in the above-captioned chapter 11 bankruptcy case (the “Bankruptcy Case”),
3 hereby applies (the “Application”) to the Court on an *ex parte* basis, pursuant to Rule 9006(b) of
4 the Federal Rules of Bankruptcy Procedure and Rule 9006-1 of the Bankruptcy Local Rules for
5 the Northern District of California (the “Bankruptcy Local Rules”), for entry of an order
6 substantially in the form attached hereto as Exhibit 1, extending the time for the Debtor to file its
7 initial monthly operating report (the “MOR”) for the period covering the Petition Date (defined
8 below) through August 31, 2023, by one month.

9 This Application is based on the below discussion and all pleadings and evidence filed in
10 connection with the Application.

11 **I.**

12 **BACKGROUND**

13 On August 21, 2023 (the “Petition Date”), the Debtor filed a voluntary petition for relief
14 under chapter 11 and thereby commenced this Bankruptcy Case. The Debtor is currently
15 operating and managing its financial affairs under sections 1107 and 1108 of the title 11 of the
16 United States Code (the “Bankruptcy Code”). No trustee or examiner has been requested or
17 appointed in the Bankruptcy Case.

18 Section 58.8 of Title 28 of the United States Code and Bankruptcy Local Rule 2015-2(b)
19 requires the Debtor to submit MORs no later than the 21st day of the month following the month to
20 which the report pertains. *See* 28 C.F.R. § 58.8 and B.L.R. 2015-2(b). Accordingly, based on the
21 Petition Date, the Debtor’s first MOR, for the period encompassing the Petition Date through
22 August 31, 2023 (the “August MOR”), must be filed on September 21, 2023. The Debtor has
23 been working diligently to ensure a smooth transition into chapter 11 and to comply with all of its
24 duties and obligations as a debtor in possession while continuing to operate in the ordinary course.
25 As a result, the Debtor believes it would be burdensome to prepare the August MOR by
26 September 21, 2023, while continuing to comply with all of its other duties and obligations. In
27 fact, it would be more economical and efficient for the Debtor if it could prepare its August MOR
28 along with its September MOR (covering September 1 to September 30, 2023), and file both

1 MORs concurrently. The Debtor has met and conferred with counsel for Tracy Hope Davis, the
2 United States Trustee for Region 17 (the “UST”) regarding an extension of time to file the August
3 MOR, and the UST has indicated that while she does not support the proposal, she does not intend
4 to oppose the Application in light of the unique circumstances of this case.

5 **II.**

6 **RELIEF REQUESTED**

7 Pursuant to Rule 9006(b) of the Federal Rules of Bankruptcy Procedure and Bankruptcy
8 Local Rules 2015-2(e) and 9006-1, the Debtor seeks entry of an order, in substantially the form
9 attached to this Application as Exhibit 1, extending the time for the Debtor to file the August
10 MOR through and including October 23, 2023.

11 **III.**

12 **NEED FOR PROMPT RELIEF**

13 The Debtor requests an extension to file the August MOR under Bankruptcy Local Rule
14 2015-2(e), which provides that “[t]he Court may, on application and for cause, modify the
15 provisions of [Bankruptcy Local Rule 2015-2].” B.L.R. 2015-2(e). The requested relief is
16 necessary for the Debtor to ensure efficient, economical, and otherwise timely compliance with all
17 of its duties and obligations as a debtor and debtor in possession. Since the Petition Date, the
18 Debtor has been working closely with its proposed counsel and proposed financial advisor to
19 prepare, among other things, (i) its schedules of assets and liabilities and statement of financial
20 affairs, (ii) for its upcoming initial debtor interview (the “IDI”), including all of the requisite
21 documents and information requested by the UST in advance of the IDI, (iii) for the first meeting
22 of creditors under Bankruptcy Code section 341(a), which has been scheduled for September 28,
23 2023, at 10:00 a.m., prevailing Pacific Time, and (iv) continued hearings on the Debtor’s motions
24 for emergency first day relief, all while continuing to operate in the ordinary course. Accordingly,
25 the Debtor submits that sufficient cause exists for the Court to grant the relief requested in this
26 Application.

27 Notwithstanding the foregoing, the Debtor must obtain the relief requested by the
28 Application before September 21, 2023 (the current deadline to file the August MOR). On this

1 basis, the Debtor requests that the Court approve the Application as soon as possible, without a
2 hearing.

3 **IV.**

4 **DISCUSSIONS WITH THE UST AND COMMITTEE**

5 The Debtor has met and conferred with counsel for UST and proposed counsel for the
6 official committee of unsecured creditors (the “Committee”) regarding an extension of time to file
7 the August MOR. As discussed above, the UST has indicated that while she does not support the
8 proposal, she does not intend to oppose the Application in light of the unique circumstances of this
9 case. Proposed counsel for the Committee has indicated that in light of the Committee’s recent
10 appointment in the Bankruptcy Case, they are not ready to take a position on the Application as of
11 the time of this filing.

12 **V.**

13 **PREVIOUS REQUESTS FOR TIME MODIFICATIONS**

14 The Debtor has not previously requested or obtained similar relief in the Bankruptcy Case.

15 **VI.**

16 **EFFECT OF REQUEST FOR EXTENDED TIME**

17 If the Application is granted, the Debtor will be able to more efficiently and economically
18 prepare the requisite operating report information, for a short, 10-day “stub” period. The report
19 will be publicly available only one month after the original filing deadline. Any interested party
20 desiring to review and express concerns regarding the 10-day stub period information that would
21 have been available on September 21, 2023, will be able to review the information when the
22 Debtor files the August MOR on October 23, 2023.

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VII.

CONCLUSION

WHEREFORE, the Debtor requests that the Court grant this Application and enter an order in the form attached hereto as Exhibit A extending time for the Debtor to file the August MOR.

Dated: September 18, 2023

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By

/s/ Alan Martin

ORI KATZ
ALAN MARTIN
JEANNIE KIM

Proposed Counsel for the Debtor

EXHIBIT 1
(PROPOSED ORDER)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

In re

THE ROMAN CATHOLIC ARCHBISHOP
OF SAN FRANCISCO,

Debtor and
Debtor in Possession.

Case No. 23-30564

Chapter 11

**[PROPOSED] ORDER EXTENDING
TIME FOR DEBTOR TO FILE INITIAL
MONTHLY OPERATING REPORT**

No Hearing Requested

The Court having considered the *Ex Parte Application for an Order Extending the Time for Debtor to File Initial Monthly Operating Report* (the “Application”) filed by the Debtor¹, on September __, 2023, having considered all pleadings and evidence filed in connection with the Application, and good cause appearing for the relief requested in the Application,

IT IS HEREBY ORDERED THAT:

1. The Application is GRANTED.
2. The deadline for Debtor to file the initial monthly operating report (MOR) is extended by one month. Debtor is ordered to file the initial monthly operating report no later than October 23, 2023.
3. The deadlines to file all subsequent MORs remain unaffected. Each subsequent MOR will be filed no later than the 21st day of each month.

**** END OF [PROPOSED] ORDER ****

¹ Capitalized terms not otherwise defined in this Amended Order shall have the same meanings ascribed to them in the Application.